

Exhibit V

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3

4
5 MDL No. 16-2738 (FLW) (LHG)

6 IN RE: JOHNSON & JOHNSON
7 TALCUM POWDER PRODUCTS
8 MARKETING, SALES PRACTICES,
9 AND PRODUCTS LIABILITY LITIGATION
10
11
12
13

14 The remote video deposition of WILLIAM LONGO,
15 Ph.D., taken via Zoom videoconference on
16 May 2, 2024, commencing at approximately
17 11:20 a.m., before Lois Anne Robinson,
18 Certified Realtime Reporter.
19
20
21
22
23
24

1 Q All right. Looking at request 31 in
2 what we marked as Exhibit 6, it asks for all
3 standard operating procedures (SOPs) maintained
4 by your laboratory for testing bulk materials for
5 asbestos by PLM, TEM, and SEM.

6 And, Doctor, my question to you is:
7 Does MAS maintain any standard operating
8 procedures for the testing of talc samples by PLM
9 for the presence of chrysotile?

10 A No. We haven't finished the standard
11 operating procedures because we keep doing
12 research and changing slight -- slight
13 conditions, so -- until we finally have.

14 But what I may -- but what we do
15 provide, in every analysis we do have chrysotile
16 has materials and methods section that anybody
17 can follow, and it doesn't really have --

18 If we had written SOPs for every time
19 we made a change, it wouldn't really change
20 any -- it -- you know, it really wouldn't give
21 any additional information. That's why I think
22 we're one of the few laboratories, when they do
23 an analysis, they actually put in every step they
24 do. And for any changes, then we, you know, show

1 asbestos, and talked about heavy liquid density
2 separation and so many top plates, et cetera,
3 et cetera, plus that.

4 And, again, the CSM method, not a Longo
5 method -- this is the Colorado School of Mines
6 method, and they showed positive results. But
7 the analysis is a lot the same, because they're
8 basing their chrysotile identification on the
9 refractive indices of the product. They're doing
10 PLM on it and they're doing -- they're developing
11 refractive indices for the analysis.

12 So, no. Has it been published in the
13 peer-reviewed literature? In my opinion, it
14 probably would have if it wasn't deep-sixed, in
15 my opinion, by Johnson & Johnson.

16 Q Do you have any basis --

17 Well, are you willing to testify, to a
18 reasonable degree of scientific certainty, that
19 the Colorado School of Mines' PLM chrysotile
20 heavy density liquid separation analysis was not
21 published because of actions taken by
22 Johnson & Johnson?

23 A You know, you have a good point. I
24 don't know if Johnson & Johnson would have

Page 118

1 preparation is everything for a TEM analysis.

2 Q Well, if you are correct, the
3 finding --

4 Withdrawn.

5 If MAS is correctly finding chrysotile
6 in Johnson & Johnson talc using PLM, then you
7 should be able to identify that on TEM if you
8 look long enough. Correct?

9 A If -- if you look long enough,
10 et cetera. That -- it doesn't work. You need,
11 you know, you need to have the methodology down.
12 And, again, once you say it's there by PLM,
13 you're not required to do anything else. We are
14 gonna do something else so I can publish it.

15 Q Why do you feel like --

16 Well, what else are you going to do?

17 A Well, we'll get to where --

18 If I'm gonna publish this, I want to
19 publish and say this is the best, most efficient
20 method we found, and these are the reasons why.

21 Q And what do you have to do before you
22 get to that point in time?

23 A Well, I've got to finish up these --

24 I've got to finish up using the 1.560. You know,

Page 119

1 there's eight -- seven or eight samples there.
2 Each of those are gonna take hours so that I have
3 validated the concentrations by PLM. Then we
4 have to go back and redo the TEMs because we're
5 using 1.560. And we may adjust the heavy liquid
6 density a little bit more, and that's it. But
7 that's -- you're talking months of work.

8 Q Have --

9 Am I correct that you have not analyzed
10 any of the MDL samples by PLM for the presence of
11 chrysotile?

12 A That's correct. We have not.

13 Q Why not?

14 A Number one, we weren't asked to do it.

15 Number 2, we analyzed -- we have
16 analyzed some -- you know, we have analyzed a
17 number of samples from Vermont. We've analyzed a
18 lot of samples from Italian, but not just -- not
19 just Johnson Baby Powder samples.

20 So we never -- we never did it because
21 we were doing it on a bunch of other things.

22 And, you know, quite frankly, J&J was in
23 bankruptcy, so we focused in on other
24 manufacturers that were using, you know, using

1 we are misidentifying fibrous talc for
2 chrysotile. It makes absolutely no sense.
3 Either they don't understand birefringence or
4 they don't understand the PLM process or they
5 don't understand how birefringence is measured,
6 and they probably don't understand about the
7 Michelle Levy charts where you do a -- you
8 compare your lowest -- your lowest refractive
9 indice [sic] to your highest refractive indice
10 [sic] and then you look at the -- the width of
11 the structure, PLM, and the width will cause a
12 difference in your birefringence. And a
13 difference in birefringence can only happen if
14 the width is causing a difference in the
15 refractive indices.

16 Q Dr. Longo, are you aware of anyone in
17 the world that has reviewed your images and data
18 from MAS identifying chrysotile by using PLM and
19 publicly agree with it?

20 MS. O'DELL:

21 Objection to the form.

22 A Yes and no. Yes, they have agreed,
23 but, no, they're not willing to go publicly with
24 it. So...

1 MR. EWALD:

2 Q Okay. Who agrees?

3 A I'm not saying. I -- I gave them my
4 word that I would not use their name.

5 Q Okay. So we have one individual who
6 you say agrees with you but isn't willing to
7 actually publicly agree with you. Fair?

8 MS. O'DELL:

9 Object to the form.

10 A It's fair that they -- they don't want
11 to be involved in the litigation. But I don't
12 think that has anything to do with anything.

13 MR. EWALD:

14 Q Well, you just said -- you've just been
15 criticizing the people that have commented on
16 your work as basically how can they be so
17 incompetent. I want to know if there's anyone
18 that you can identify by name outside of MAS that
19 says yes, Dr. Longo is right in identifying
20 chrysotile through PLM. Anybody?

21 MS. O'DELL:

22 Object to the form.

23 A You know how -- yeah. It's kind of
24 interesting you say that. It's like there's

Page 124

1 thousands of experts that are all involved in
2 this. There's like, what, six? Five?

3 And I'm not saying they're incompetent.
4 I just don't understand how they can miss the
5 birefringence on chryso- -- on talc versus the
6 chrysotile. You're talking about five orders of
7 magnitude difference. Yeah, you'll get a yellow
8 gold, but it's bright versus a more muted yellow
9 gold. And you look at your data, and nobody's
10 been able to explain where I have intergrowths
11 with both talc and chrysotile in both parallel
12 and perpendicular direction. And when you look
13 at them, it's very obviously there's something
14 different there.

15 MR. EWALD:

16 Q Well, you talked about in this
17 litigation. But would you agree with me that
18 submitting your methods, the scrutiny of the
19 larger scientific community is a component of
20 good science?

21 MS. O'DELL:


22 Object to the form.

23 A No, I won't agree with you. I would
24 agree --

C E R T I F I C A T E

I do hereby certify that the above and foregoing transcript of proceedings in the matter aforementioned was taken down by me in machine shorthand, and the questions and answers thereto were reduced to writing under my personal supervision, and that the foregoing represents a true and correct transcript of the proceedings given by said witness upon said hearing.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.



/s:// Lois Anne Robinson

LOIS ANNE ROBINSON, RPR, RMR
REGISTERED DIPLOMATE REPORTER
CERTIFIED REALTIME REPORTER